

Partner, Chicago

Litigation; Government Enforcement and White Collar Crime



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Education

J.D., The University of Michigan Law School, 1995 (Note Editor, *The University of Michigan Journal of Law Reform*)

A.M., The University of Chicago, Division of the Social Sciences, 1992

A.B., The University of Chicago, The College, 1992

Bar Admissions

Illinois

U.S. Supreme Court

U.S. Courts of Appeals for the Fourth, Fifth, Sixth, Seventh, Ninth, Tenth and Eleventh Circuits

U.S. District Court for the Northern and Central Districts of Illinois (Trial Bar Member – Northern District of Illinois)

Eric Gorman has extensive experience advising clients in complex matters involving litigation and government enforcement actions. He has conducted corporate investigations — both internal and in conjunction with government authorities — in the U.S., Europe, the Middle East and Asia, while also representing clients in federal and state courts around the United States. Mr. Gorman's broad experience enables him to provide valuable perspective in multi-faceted matters involving litigation and regulatory risks. Mr. Gorman has written and spoken at length about the intersection of litigation and investigations, and ways for companies to navigate the legal obligations and risks that arise as the rules and practices of these two forums collide.

Investigations

Mr. Gorman has conducted corporate internal investigations on behalf of companies, boards of directors and senior executive teams, advising on significant matters that require internal review. Mr. Gorman has designed and led investigations ranging in size from local to global. He also advises clients regarding the legal impact of investigations, including the criminal, regulatory and civil litigation risks that may arise in the context of investigations. Internal investigations often proceed in tandem with investigations by government agencies and Mr. Gorman is experienced in dealing with the U.S. Department of Justice, FBI and Securities and Exchange Commission.

Mr. Gorman's investigations experience includes:

- Foreign Corrupt Practices Act issues;
- financial and accounting irregularities, and potential financial restatements, under U.S. securities laws; and
- bankruptcy fraud and other issues under the Bankruptcy Code.

Having handled investigations in the U.S. and countries around the world, Mr. Gorman is familiar with issues that often arise in complex cross-border investigations, including data privacy considerations and other factors.

Corporate Compliance and Ethics

Mr. Gorman advises companies regarding legal compliance and ethics matters in conjunction with investigations, including counseling clients on designing and implementing corporate compliance programs to meet best practices. Mr. Gorman also serves as a member of Skadden's Ethics Committee.

Litigation

As a litigator, Mr. Gorman has successfully handled a wide range of in-court and out-of-court disputes, including:

- national class actions (including consumer and shareholder class actions);
- shareholder derivative litigation;
- corporate control litigation and proxy contests;

- corporate transaction disputes and post-merger litigation and arbitration (including post-closing adjustment claims, earn-out claims, and representation and warranty-related claims);
- contract, fraud and fiduciary duty litigation;
- labor and employment matters;
- covenants not to compete;
- intellectual property disputes involving trade secrets, copyright and trademark issues;
- Chapter 11-related litigation, including core proceedings and adversary proceedings; and
- constitutional litigation.

Representative Clients

Mr. Gorman has advised clients in many industries, including the health care, insurance, financial services, publishing, retail and construction sectors. Mr. Gorman's clients have included American Equity Investment Life Insurance Company; Apex Clearing Corporation; Atlas Resource Partners; HSBC Bank plc and HSBC Bank USA N.A.; Houghton Mifflin Harcourt; JPMorgan Chase & Co.; Kmart Corporation; Liberty Mutual Insurance Company; Martin Marietta Materials, Inc.; OptionsHouse LLC; PayPal, Inc.; Peak6 Investments LP; Putnam Investments; Sprint Corporation; Union Federal Bank; Waste Management, Inc.; and Waterfield Mortgage Company.

Public Interest Work

In addition to advising clients in the business world, Mr. Gorman has represented public interest organizations and indigent individuals on a *pro bono* basis. Among other things, Mr. Gorman has won a client's release from death row in Illinois after establishing that his client's death sentence violated the Sixth Amendment to the United States Constitution; represented clients in state and federal courts in civil rights and other constitutional litigation; and advised public-interest organizations regarding litigation, risk management, legal compliance/ethics and corporate governance.

Mr. Gorman has served as a director and trustee of multiple public interest organizations, including serving in board leadership roles such as board chairman, chairman of audit/risk management committees, and chairman of corporate governance and nominating committees.

Associations

Director, Chicago Youth Centers (2011-Present)

Director, Skadden Fellowship Foundation (2016-Present)

Member, Skadden Fellowship Advisory Committee (2011-Present)

Director, University of Chicago Alumni Club of Chicago (2011-Present)

Co-Chair, Latin School of Chicago Annual Fund (2017-Present)

Trustee, Sacred Heart Schools (2010-2016)

Chairman (2003) and Director (1999-2014), Chicago Lawyers' Committee for Civil Rights Under Law, Inc.

Director, Public Interest Law Initiative (1999-2003)

Director, Legal Aid Bureau (1999-2003)

Member, American Bar Association

Recent Speaking Engagements

Society of Corporate Compliance & Ethics 16th Annual Compliance & Ethics Institute, October 15-18, 2017

FCPA & Anti-Kleptocracy Conference Hosted by Skadden and Protiviti, May 16, 2017

Second Annual Legal Ethics Program: Professional Responsibility Trends and Developments Hosted by Skadden, November 30, 2016

Society of Corporate Compliance & Ethics 15th Annual Compliance & Ethics Institute, September 26-28, 2016

Recent Publications

Author, "Protecting Attorney-Client Privilege and Attorney Work Product While Cooperating With the Government," (Three Part Series), *The Cybersecurity Law Report* (February-March 2017), *The FCPA Report* (February-March 2017) and *The Hedge Fund Law Report* (March-April 2017)

Author, "Protecting Privilege, Work-Product During Investigations," *Law360* (May 8, 2017)

Author, "Eleventh Circuit Addresses Scope of FCPA Coverage of Activity Involving State-Controlled Business Enterprises," *Skadden, Arps, Slate, Meagher & Flom LLP* (May 20, 2014)